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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,111	09/02/2005	James Hoffman	657P003-US	2873
42754	7590	05/30/2008		
Nields & Lemack 176 E. Main Street Suite #5 Westboro, MA 01581			EXAMINER OSMAN, RAMY M	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 05/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,111

Applicant(s)

HOFFMAN ET AL.

Examiner

RAMY M. OSMAN

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is responsive to amendment filed on February 4, 2008, where Applicant amended claims 1 and 24. Claims 1-11, 20-25 remain pending.

Response to Arguments

2. Applicant's arguments, filed 2/4/2008, with respect to the previous rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hennessey et al (US Patent Publication No 2003/0028623).

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 24 and 25 contain the limitation "computer readable medium". The meaning of this limitation is not ascertainable by referring to the specification. There is no clear support or antecedent basis for this limitation in the specification, and therefore the statutory scope of these claims cannot be determined. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recites the limitation "said established connection" in line 12 of claim 1 for example. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3,5-8,20-25 rejected under 35 U.S.C. 102(e) as being anticipated by Hennessey et al (US Patent Publication No 2003/0028623).

8. In reference to claims 1,24 Hennessey teaches a method and a respective computer program product of instructions both corresponding to operating a computer network server in a computer network having a central node wherein said network comprises at least one client authorized to access said server via said central node, comprising:

accessing said central node (§s 48-49, discloses a peer (which acts as both client and server) accessing a directory server);

obtaining the network addresses of said at least one client (§s 49 and 59, discloses the peer obtaining a list of other peers (which act as both clients and servers));

initiating a computer network connection with said at least one client (§s 61-62);

receiving a request from said at least one client over said established connection; and responding to said request (§§ 61-62).

9. In reference to claim 2, Hennessey teaches the method of claim 1, further comprising providing a network device, said network device being selected from the group consisting of firewalls, proxy servers, and network translation devices, said network device being in the path between said server and said network (§§ 49 and 54).

10. In reference to claims 3,25 Hennessey teaches a method and a respective computer program product of instructions both corresponding to operating a computer network server in a computer network having a central node wherein said network comprises at least one client authorized to access said server, wherein said server has a listening port, accessible during a predetermined time, comprising:

maintaining a connection with a central node (§ 64); receiving a command from said central node to open a listening port after said central node receives a request from said at least one client to access said server (§§ 52, 77, 78);

opening said listening port (§§ 52, 68); sending to said central node instructions for said client to connect to said server over said listening port (§ 113); and

receiving communication from said client over said listening port after said central node delivers a command to said at least one client to connect to said server (§ 62).

11. In reference to claim 5, Hennessey teaches the method of claim 3, whereby said server closes said listening port after receipt of said communication (§ 115).

12. In reference to claim 6, Hennessey teaches the method of claim 3, whereby said server establishes a network connection with said client after receipt of said communication (§ 62).

13. In reference to claim 7, Hennessey teaches the method of claim 3, whereby said server closes said listening port if it receives communication from other than said at least one client (§ 115).
14. In reference to claim 8, Hennessey teaches the method of claim 3, whereby said server maintains a persistent network connection to said central node (§ 64).
15. In reference to claims 20-23, these are system claims that correspond to the method claims of claims 3-8. Therefore, claims 20-23 are rejected based upon the same rationale as given for claims 3-8 above.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. **Claims 4,9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Hennessey et al (US Patent Publication No 2003/0028623).**
18. In reference to claim 4, Hennessey teaches the method of claim 3. Hennessey fail to explicitly teach whereby said predetermined time is less than one second. However, "Official Notice" is taken that predetermined time periods of more than a second or less than a second are well known common practices in communication. It would have been obvious to modify Hennessey in order to establish communication in a timely manner.

19. In reference to claims 9-11, Hennessey teaches the method of claim 3. Hennessey fails to explicitly teach wherein the command, instructions and communication are encrypted. However, "Official Notice" is taken that encrypting communication packets is old and well known in the art for the purpose of establishing secure communications between sender and receiver. Therefore, it would have been obvious for one of ordinary skill in the art to modify Hennessey wherein the command, instructions and communication are encrypted for the purpose of establishing secure communications between sender and receiver.

Conclusion

20. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/
Primary Examiner, Art Unit 2157
May 27, 2008